C.S. Lodh

(3)

IN THE HIGH COURT OF CHHHATTISGARH AT BILASPUR

W.P.NO. 1647 /2003

SHRIMAD VALLABHACHARYA BHARAT VIDYA VISHWAVIDYALAY, A UNIVERSITY ESTABLISHED AND NOTIFIED UNDER THE RELEVANT PROVISIONS OF THE CHHATTISGARH NIZI KSHETRA VISHWA VIDYALAYA (STAPHANA & AVAM VININIYAM) ADHINIYAM, 2002,SPONSORED BY SHRIMAD VALLABHACHARYA DHARM AVAM SANSKRITI SHODH ANVESHAN SANSTHAN NYAS CHAMPARAN, DISTRICT RAIPUR, THROUGH THE REGISTRAR, DR. DEEPAK SHARMA, SON OF LATE R.G. SHARMA, AGED ABOUT 49 YEARS, RESIDENT OF DEEPAK HOUSE, JALGREH MARG, RAIPUR — PETITIONER

P. R. No. 1651/04
Presented by Shri A.K. Sen
dated 18-6-04

VS

1. STATE OF CHHATTISGARH, THROUGH THE SECRETARY, DEPARTMENT OF HIGHER EDUCATION, D.K.S. BHAWAN, RAIPUR.
2. THE REGULATORY COMMISSION, CONSTITUTED

RECEIVED-COPY 18/6/04
Clerk to A. G. Bilaspur

शपथ आयुक्त
एस.के. शुक्ला
18/6/04

(126) (136) (135)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 1647/04 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

DIVISION BENCH:

HON'BLE SHRI A.K. PATNAIK, CJ
& HON'BLE SHRI SUNIL KUAMR SINHA, J.

25.06.2005:

Heard Mr. B.P. Sharma, learned counsel for the petitioner, Mr. P.S. Koshy, learned Dy. Advocate General for the State of Chhattisgarh and Mr. Vinay Harit, Sr. Advocate with Mr. A. Swamkar, learned counsel for respondent No.3.

In this writ petition the petitioner has challenged the constitutional validity and vires of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2004 by which the provisions of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 are sought to be amended.

By a judgment of the Supreme Court dated 11.02.2005 delivered in Writ Petition (Civil) No.19 of 2004 (Professor Yashpal & Others vs. State of Chhattisgarh & Others), the Supreme Court has declared the provisions of Sections 5 & 6 of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 as ultra vires the Constitution and has also quashed the notifications issued by the State Government in the Gazette in the purported exercise of the power under Section 5 of the aforesaid Act notifying the universities and also held that the universities shall cease to exist.

In view of the said judgment of the Supreme Court dated 11.02.2005, this writ petition does not survive and accordingly the same is dismissed.

Sd/-
Chief Justice
Judge

Sd/-
Sunil Kumar Sinha
Judge

Subbu